Application Serial No. 10/763,181
Submission with RCE filed August 20, 2010
Response to Notice of Panel Decision mailed June 22, 2010

REMARKS

Claims 2-6 and 10 are pending in this application. Claims 2-6 are amended herein. Support for the amendments to the claims may be found in the claims as originally filed. Reconsideration is requested based on the foregoing amendment and the following remarks.

Claim Rejections - 35 U.S.C. § 103:

Claims 2, 3, 5, 6, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0065805 to Barnes <u>et al.</u> (hereinafter "Barnes"). The rejection is traversed to the extent it would apply to the claims as amended. Reconsideration is earnestly solicited.

The final Office Action asserts that Barnes discloses an "area information storage portion". However, Barnes describes "Determining the closest point of interest in the preferred embodiment is accomplished by retrieving data of the available points of interest in the given area from a database" (paragraph 162); "After the available points of interests meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined" (paragraph 0164); and "some data might be stored at the user's work computer system,… where the data management module 120 stores the data is also dependent on data storage rules that may include user or manufactured stored rules based on data type, the location of the user" (paragraph 0141).

In contrast, for example, claim 2, as amended, recites:

An area information storage portion that stores a plurality of pieces of condition information that defines a service area around the provision position of the service determined according to the service availability information and that also **stores a plurality of pieces of change information for changing the plurality of pieces of condition information.**

And:

The plurality of pieces of condition information is individually changed in accordance with the service availability information based on the plurality of pieces of change information (emphasis added).

This means that, in the claimed invention, the plurality of pieces of condition information are changed dynamically, whereas Barnes fails to disclose that the plurality of pieces of condition information are changed. Barnes also fails to disclose how the condition is changed dynamically.

Application Serial No. 10/763,181
Submission with RCE filed August 20, 2010
Response to Notice of Panel Decision mailed June 22, 2010

The database in Barnes, moreover, only holds data of the available *points* of interest in the given area, not "a plurality of pieces of condition information that defines a service area around the provision position of the service determined according to the service availability information," as recited in claim 2. In particular, as described at paragraph [0162]:

> Determining the closest point of interest in the preferred embodiment is accomplished by retrieving data of the available points of interest in the given area from a database at step 305.

Barnes, moreover, determines the distance *to* the available points of interests meeting the criteria and selects the available point of interest meeting the criteria with the smallest distance, instead of a defining "a service area around the provision position of the service determined according to the service availability information," as recited in claim 2. In particular, as described at paragraph [0164]:

> After the available points of interests meeting the criteria are determined, the closest point of interest meeting the selection criteria is determined at step 310. This step preferably includes determining the distance (e.g., by traveling the streets and thoroughfares) to the available points of interests meeting the criteria and selecting the available point of interest meeting the criteria with the smallest distance.

Barnes, finally, stores data based on the location of the *user,* instead of "a plurality of pieces of condition information that defines a service area around the provision position of the service determined according to the service availability information," as recited in claim 2. In particular, as described at paragraph [0141]:

> Thus, where the data management module 120 stores the data is also dependent on data storage rules that may include user or manufactured stored rules based on data type, the location of the user, the direction the user is going, anticipation that the user will be at location at a later time (e.g., that the user will be out of transmission range a few minutes hence), recent activities of the user, an external event (e.g., turning off the automobile engine), the intended destination of the user, the source of the data, the time of day, the day of the week, the purpose of the data, and/or other factors.

The second clause of claim 2 recites:

> A request acceptance portion that receives request information indicating a request for providing a service, the request being sent by a customer.

Barnes neither teaches, discloses, nor suggests "a request acceptance portion that receives request information indicating a request for providing a service, the request being sent by a customer," as recited in claim 2. Barnes, rather, receives user *input* about a target point of interest, as noted in the final Office Action at the top of page 3, instead of receiving "a request for

Application Serial No. 10/763,181
Submission with RCE filed August 20, 2010
Response to Notice of Panel Decision mailed June 22, 2010

providing a service, the request being sent by a customer," as recited in claim 2. In particular, as described at paragraph [0155]:

> Steps for performing this example application are shown in FIG. 4 and include determining a target point of interest (PI) at step 301, determining the available Pls at step 305, determining the closest PI at step 310. In this example, the application also optionally includes the steps of receiving a user input at step 315, communicating with the PI (e.g., based on the user input) at step 320, and informing the user of the results of the communication at step 325.

The device 101 of Barnes, moreover, enters into a commercial exchange on *behalf* of the user to purchase a product, instead of receiving "a request for providing a service, the request being sent by a customer," as recited in claim 2. In particular, as described at paragraph [0156]:

> In addition, after determining the point of interest (in any of the applications), the device 101 can optionally enter into a commercial exchange on behalf of the user, for example, to purchase a product (e.g., step 320).

Finally, the user can instruct the device 101 to *transmit* a request for other vendor information, as also noted in the final Office Action at the top of page 3, instead of receiving "a request for providing a service, the request being sent by a customer," as recited in claim 2. In particular, as described at paragraph [0277]:

> The user can also instruct the device 101 (e.g. by a voice input) to transmit a request for other vender information from a remote computer system (which may or may not be the vender computer system), prior to arriving at a vender location.

The third clause of claim 2 recites:

> A current position obtaining portion that obtains a current position of the customer who sent the request.

Barnes neither teaches, discloses, nor suggests obtaining "a current position of the customer who sent the request," as recited in claim 2. Barnes, rather, monitors the location of the user carrying the device in order to *notify* the user of being in a location that the *user* should not enter, not "a current position of the customer who sent the request," as recited in claim 2. In particular, as described at paragraph [0316]:

> In addition, the device 101 may be programmed to monitor the location of the user carrying the device, which may include what facilities the user enters, the address(es) visited, what venders the user visits, etc. The location may then be periodically transmitted to a remote computer system or a location notification can be transmitted to a remote destination if the user enters a restricted location (a location defined by the authorized user as being a location that the user should not enter and/or a notification transmitted).

The user information supplied in Barnes, moreover, is *demographic* data, not "a current

Application Serial No. 10/763,181
Submission with RCE filed August 20, 2010
Response to Notice of Panel Decision mailed June 22, 2010

position of the customer who sent the request," as recited in claim 2. Barnes has no reason to monitor the current position of the user, contrary to the assertion at the bottom of page 19 of the final Office Action. In particular, as described at paragraph [0212]:

> In addition, the ECCS transmits a request and, in response, receives user information from devices carried by persons entering the facility, area, or event. The requested and supplied user information may include demographical data or any other desirable information.

> The fourth clause of claim 2 recites:

> An available quantity obtaining portion that obtains service availability information based on an amount of service available at a provision position of the service, when the request acceptance portion has received the request.

Barnes neither teaches, discloses, nor suggests obtaining "service availability information based on an amount of service available at a provision position of the service, when the request acceptance portion has received the request," as recited in claim 2. Barnes, rather, transmits availability information along with the price, *after* the price is retrieved or otherwise determined, not "based on an amount of service available at a provision position of the service, when the request acceptance portion has received the request," as recited in claim 2. In particular, as described at paragraph [0188]:

> After the price is retrieved or otherwise determined, the price is transmitted to the device, preferably in XML format, to determine whether the vender satisfies the selection criteria at step 365. Other data may also be transmitted such as availability, location data for the vender, taxes on purchase of the product, delivery charges for the product, available times for delivery or receipt (e.g., pick up) of the product, etc.

The device 101 of Barnes, moreover, *transmits* product identifying information, which may include a product number, name, model, quantity, size, color, duration, dates, and/or other product information, instead of obtaining "service availability information based on an amount of service available at a provision position of the service, when the request acceptance portion has received the request," as recited in claim 2. In particular, as described at paragraph [0192]:

> In response, the device 101 communicates with vender at step 375 using the determined communication parameters and transmits a request to purchase the desired product. Thus, the device 101 transmits product identifying information, which may include a product number, name, model, quantity, size, color, duration (e.g., in the event of a rental), dates (in the case of travel tickets or reservations), and/or other product information.

The device 101 of Barnes, moreover, finds a *product* within a vendor location within a shopping mall, instead of obtaining "service availability information based on an amount of

Application Serial No. 10/763,181
Submission with RCE filed August 20, 2010
Response to Notice of Panel Decision mailed June 22, 2010

service available at a provision position of the service," as recited in claim 2. In particular, as described at paragraph [0275]:

> The device 101 also includes software for finding a product within a vender location within a shopping mall. To do so, the device 101 transmits a request for the product or vender to the ACS (or other remote computer with access to the information) and receives a response with the requested information if the vender or product is present.

The sixth clause of claim 2 recites:

> An existence decision portion that determines whether the customer that sent the request is within the service area based on the current position of the customer and the plurality of pieces of condition information.

Barnes neither teaches, discloses, nor suggests determining "whether the customer that sent the request is within the service area based on the current position of the customer and the plurality of pieces of condition information," as recited in claim 2. The commerce module 135 of Barnes, rather, executes a commercial transaction on *behalf* of the user, and transmits the information as part of a transaction request to the user's account institution card or an acquirer, instead of determining "whether the customer that sent the request is within the service area based on the current position of the customer and the plurality of pieces of condition information," as recited in claim 2. In particular, as described at paragraph [0136]:

> In one example embodiment, when the commerce module 135 executes a commercial transaction, payment information is transmitted to a remote computer system (e.g., the vender's computer system). The remote computer system transmits this information as part of a transaction request to the user's account institution card (e.g., the user's bank) or an acquirer (e.g., in the case of a credit card).

Barnes, in fact, has no interest in "whether the customer that sent the request is within the service area based on the current position of the customer and the plurality of pieces of condition information" as recited in claim 2, since Barnes is identifying services *for* the user such as vendors meeting selection criteria like location, as described in the Abstract.

The seventh clause of claim 2 recites:

> A reservation acceptance processing portion that accepts a reservation of the service for the customer, at the provision position, when the existence decision portion has determined that the customer is within the service area.

The Barnes neither teaches, discloses, nor suggests accepting "a reservation of the service for the customer, at the provision position, when the existence decision portion has determined that the customer is within the service area," as recited in claim 2. In Barnes, rather,

Application Serial No. 10/763,181
Submission with RCE filed August 20, 2010
Response to Notice of Panel Decision mailed June 22, 2010

the user already *has* a reservation with a hotel. The device 101 in Barnes checks the user, who already *has* a reservation, into a hotel if the user is within the predetermined distance of the hotel, instead of accepting "a reservation of the service for the customer, at the provision position, when the existence decision portion has determined that the customer is within the service area," as recited in claim 2. In particular, as described at paragraph [0196]:

> Alternately, the user may already have a reservation with a hotel in which case the user preferably has previously input the destination to the device 101 and when the user (and device 101) is within the predetermined distance of the destination hotel, the device 101 automatically (or after prompting the user for permission to check in) checks the user into the hotel as described below.

The final Office Action asserts in the first full paragraph at page 22, that:

> However, the user already having a reservation is an alternative embodiment.

Even if the user already having a reservation were an alternative embodiment, however, that would only mean that the device 101 would automatically (or after prompting the user for permission to check in) check the user into the hotel once the device 101 was within predetermined distance of the destination hotel, which still does not amount to accepting "a reservation of the service for the customer, at the provision position, when the existence decision portion has determined that the customer is within the service area," as recited in claim 2. Nor would making a device that automatically checked a user into a hotel the minute the user was within a predetermined distance of the hotel, regardless of whether the user had a reservation at the hotel, be a strong selling feature.

The final Office Action asserts further in the first full paragraph at page 22, that:

> In [0195], Barnes teaches that in response to a user request, the closest hotels that meet criteria are presented. The user then selects a hotel to request further information or purchase a room rental.

A *user* selecting a hotel to request further information or purchase or rental, however, still does not amount to accepting "a reservation of the service for the customer, at the provision position, when the existence decision portion has determined that the customer is within the service area," as recited in claim 2.

Finally, the final Office Action asserts in the first full paragraph at page 22, that

> In this case, the invalidation of a hotel reservation by a customer being outside an area around the hotel is suggested since the closest three hotels are presented for the customer to choose from in order to make a reservation.

Invalidation of a hotel reservation by a customer being outside an area around the hotel,

Application Serial No. 10/763,181
Submission with RCE filed August 20, 2010
Response to Notice of Panel Decision mailed June 22, 2010

even if it were suggested, would still not amount to accepting "a reservation of the service for the customer, at the provision position, when the existence decision portion has determined that the customer is within the service area," as recited in claim 2.

Claim 2 is thus submitted to be allowable. Withdrawal of the rejection of claim 2 is earnestly solicited.

Claim 3:

The second clause of claim 3 recites:

A request acceptance portion that accepts a request for providing a service at a desired time from a customer.

Barnes neither teaches, discloses, nor suggests accepting "a request for providing a service at a desired time from a customer," as discussed above with respect to the rejection of claim 2.

The third clause of claim 3 recites:

A current position information obtaining portion that obtains a current position of the customer when the customer has sent the request.

Barnes neither teaches, discloses, nor suggests obtaining "a current position of the customer when the customer has sent the request," as discussed above with respect to the rejection of claim 2.

The fourth clause of claim 3 recites:

An area information storage portion that stores a plurality of pieces of condition information that defines a service area in accordance with the desired time for receiving the service, around a provision position of the service and that also stores a plurality of pieces of change information for changing the plurality of pieces of condition information.

Barnes neither teaches, discloses, nor suggests storing "a plurality of pieces of condition information that defines a service area in accordance with the desired time for receiving the service, around a provision position of the service and that also stores a plurality of pieces of change information for changing the plurality of pieces of condition information," as discussed above with respect to the rejection of claim 2.

The fifth clause of claim 3 recites:

An existence decision portion that determines whether the customer is within the service area in accordance with the current position information and the plurality of pieces of condition information.

Application Serial No. 10/763,181
Submission with RCE filed August 20, 2010
Response to Notice of Panel Decision mailed June 22, 2010

Barnes neither teaches, discloses, nor suggests determining "whether the customer is within the service area in accordance with the current position information and the plurality of pieces of condition information," as discussed above with respect to the rejection of claim 2.

The sixth clause of claim 3 recites:

A reservation acceptance processing portion accepts a reservation of the service when the existence decision portion has determined that the customer is within the service area and does not reserve the service when the existence decision portion has determined that the customer is not within the service area.

Barnes neither teaches, discloses, nor suggests accepting "a reservation of the service when the existence decision portion has determined that the customer is within the service area and does not reserve the service when the existence decision portion has determined that the customer is not within the service area," as discussed above with respect to the rejection of claim 2.

The seventh clause of claim 3 recites:

The plurality of pieces of condition information is individually changed in accordance with the service availability information based on the plurality of pieces of change information.

Barnes neither teaches, discloses, nor suggests "the plurality of pieces of condition information is individually changed in accordance with the service availability information based on the plurality of pieces of change information," as discussed above with respect to the rejection of claim 2. Claim 3 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 2. Withdrawal of the rejection of claim 3 is earnestly solicited.

Claim 5:

The second clause of claim 5 recites:

A request acceptance portion that accepts a request for providing a service from a customer.

Barnes neither teaches, discloses, nor suggests accepting "a request for providing a service from a customer," as discussed above with respect to the rejection of claim 2.

The third clause of claim 5 recites:

A current position information obtaining portion that obtains a current position of the customer.

Barnes neither teaches, discloses, nor suggests obtaining "a current position of the

Application Serial No. 10/763,181
Submission with RCE filed August 20, 2010
Response to Notice of Panel Decision mailed June 22, 2010

customer," as discussed above with respect to the rejection of claim 2.

The fourth clause of claim 5 recites:

> An available quantity obtaining portion that obtains service availability information based on an amount of service available at a provision position of the service, when the request acceptance portion has received the request.

Barnes neither teaches, discloses, nor suggests obtaining "service availability information based on an amount of service available at a provision position of the service," as discussed above with respect to the rejection of claim 2.

The fifth clause of claim 5 recites

> An area information storage portion that stores a plurality of pieces of condition information that defines a service area around the provision position of the service determined according to the service availability information and that also stores a plurality of pieces of change information for changing the plurality of pieces of condition information.

Barnes neither teaches, discloses, nor suggests storing "a plurality of pieces of condition information that defines a service area around the provision position of the service determined according to the service availability information and that also stores a plurality of pieces of change information for changing the plurality of pieces of condition information," as discussed above with respect to the rejection of claim 2.

The sixth clause of claim 5 recites:

> An existence decision portion that determines whether the customer is within the service area in accordance with the current position information and the plurality of pieces of condition area information.

Barnes neither teaches, discloses, nor suggests determining "whether the customer is within the service area in accordance with the current position information and the plurality of pieces of condition area information," as discussed above with respect to the rejection of claim 2.

The seventh clause of claim 5 recites:

> A reservation acceptance processing portion that accepts a reservation of the service when the existence decision portion determines that the customer is within the service area, and does not accept the reservation when the existence decision portion determines that the customer is not within the service area.

Barnes neither teaches, discloses, nor suggests accepting "a reservation of the service when the existence decision portion determines that the customer is within the service area," as

Application Serial No. 10/763,181
Submission with RCE filed August 20, 2010
Response to Notice of Panel Decision mailed June 22, 2010

discussed above with respect to the rejection of claim 2.

The ninth clause of claim 5 recites:

An arrival possibility decision portion that determines whether the customer who made the request will arrive by the forecasted time of arrival in accordance with the time of arrival, a present time and new current position information of the customer that was obtained after the reservation had been accepted.

Barnes neither teaches, discloses, nor suggests determining "whether the customer who made the request will arrive by the forecasted time of arrival in accordance with the time of arrival, a present time and new current position information of the customer that was obtained after the reservation had been accepted," as discussed above with respect to the rejection of claim 2.

The 11th clause of claim 5 recites:

The plurality of pieces of condition information is individually changed in accordance with the service availability information based on the plurality of pieces of change information.

Barnes neither teaches, discloses, nor suggests "the plurality of pieces of condition information is individually changed in accordance with the service availability information based on the plurality of pieces of change information," as discussed above with respect to the rejection of claim 2. Claim 5 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 2. Withdrawal of the rejection of claim 5 is earnestly solicited.

Claim 6:

The second clause of claim 6 recites:

A request acceptance portion that accepts a request for parking a car in the parking lot.

Barnes neither teaches, discloses, nor suggests accepting "a request for parking a car in the parking lot," as discussed above with respect to the rejection of claim 2.

The third clause of claim 6 recites:

A current position information obtaining portion that obtains a current position of a customer who made the request.

Barnes neither teaches, discloses, nor suggests obtaining "a current position of a customer who made the request," as discussed above with respect to the rejection of claim 2.

The fourth clause of claim 6 recites:

Application Serial No. 10/763,181
Submission with RCE filed August 20, 2010
Response to Notice of Panel Decision mailed June 22, 2010

A traffic information obtaining portion that obtains traffic information around the
parking lot or the customer who made the request.

Barnes neither teaches, discloses, nor suggests obtaining "traffic information around the
parking lot or the customer who made the request," as discussed above with respect to the
rejection of claim 2.

The sixth clause of claim 6 recites:

An area information storage portion that stores a plurality of pieces of condition
information that defines a parking service area around the parking lot according
to the forecasted demand and that also stores a plurality of pieces of change
information for changing the plurality of pieces of condition information.

Barnes neither teaches, discloses, nor suggests storing "a plurality of pieces of condition
information that defines a parking service area around the parking lot according to the
forecasted demand and that also stores a plurality of pieces of change information for changing
the plurality of pieces of condition information," as discussed above with respect to the rejection
of claim 2.

The seventh clause of claim 6 recites:

An existence decision portion that determines whether the customer who made
the request is within the parking service area in accordance with the current
position information and the plurality of pieces of condition information.

Barnes neither teaches, discloses, nor suggests determining "whether the customer who
made the request is within the parking service area in accordance with the current position
information and the plurality of pieces of condition information," as discussed above with respect
to the rejection of claim 2.

The eighth clause of claim 6 recites:

A reservation acceptance processing portion that accepts a reservation of the
parking lot for the customer when the existence decision portion determines that
the customer who made the request is within the parking service area and does
not perform the reservation when the existence decision portion determines that
the customer is not within the parking service area.

Barnes neither teaches, discloses, nor suggests accepting "a reservation of the parking
lot for the customer when the existence decision portion determines that the customer who
made the request is within the parking service area," as discussed above with respect to the
rejection of claim 2.

The ninth clause of claim 6 recites:

Application Serial No. 10/763,181
Submission with RCE filed August 20, 2010
Response to Notice of Panel Decision mailed June 22, 2010

The plurality of pieces of condition information is individually changed in accordance with the service availability information based on the plurality of pieces of change information.

Barnes neither teaches, discloses, nor suggests "the plurality of pieces of condition information is individually changed in accordance with the service availability information based on the plurality of pieces of change information," as discussed above with respect to the rejection of claim 2. Claim 6 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 2. Withdrawal of the rejection of claim 6 is earnestly solicited.

Claim 10:

The second clause of claim 10 recites:

An interface that receives a parking request from a customer approaching a parking area where parking services are provided.

Barnes neither teaches, discloses, nor suggests receiving "a parking request from a customer approaching a parking area where parking services are provided," as discussed above with respect to the rejection of claim 2.

The third clause of claim 10 recites:

A current position acquiring portion that obtains a current position of the customer who sent the parking request.

Barnes neither teaches, discloses, nor suggests obtaining "a current position of the customer who sent the parking request," as discussed above with respect to the rejection of claim 2.

The fifth clause of claim 10 recites:

A service area portion that determines a predetermined area for service around the parking area based on the available parking space.

Barnes neither teaches, discloses, nor suggests determining "a predetermined area for service around the parking area based on the available parking space," as discussed above with respect to the rejection of claim 2.

The sixth clause of claim 10 recites:

A decision portion which accepts parking reservation request when the customer that sent the request is within the predetermined area according to the current position information.

Barnes neither teaches, discloses, nor suggests accepting a "parking reservation request

Application Serial No. 10/763,181
Submission with RCE filed August 20, 2010
Response to Notice of Panel Decision mailed June 22, 2010

when the customer that sent the request is within the predetermined area according to the current position information," as discussed above with respect to the rejection of claim 2. Claim 10 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 2. Withdrawal of the rejection of claim 10 is earnestly solicited.

Claim 4:

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable Barnes in view of US Patent Application Publication No. 2002/0062236 to Murashita et al. (hereinafter "Murashita"). The rejection is traversed to the extent it might apply to the claims as amended. Reconsideration is earnestly solicited.

The second clause of claim 4 recites:

A request acceptance portion that accepts request information indicating a request for providing a service from a customer.

Barnes neither teaches, discloses, nor suggests accepting "request information indicating a request for providing a service from a customer," as discussed above with respect to the rejection of claim 2. Marushita does not either, and thus cannot make up for the deficiencies of Barnes with respect to claim 4. Marushita, rather, is only notifying a user of a service and reservation situation of a store-near the user or the start/end time of the service, and the time to be taken for the service and can suggest an alternative event in a time zone convenient to the user, as described in the Abstract.

The third clause of claim 4 recites:

A current position information obtaining portion that obtains a current position of the customer.

Barnes neither teaches, discloses, nor suggests obtaining "a current position of the customer," as discussed above with respect to the rejection of claim 2. Marushita does not either, and thus cannot make up for the deficiencies of Barnes with respect to claim 4.

The fourth clause of claim 4 recites:

An area information storage portion that stores a plurality of pieces of condition information that defines a service area around a provision position of the service and that also stores a plurality of pieces of change information for changing the plurality of pieces of condition information.

Barnes neither teaches, discloses, nor suggests storing "a plurality of pieces of condition information that defines a service area around a provision position of the service and that also stores a plurality of pieces of change information for changing the plurality of pieces of condition

Application Serial No. 10/763,181
Submission with RCE filed August 20, 2010
Response to Notice of Panel Decision mailed June 22, 2010

information," as discussed above with respect to the rejection of claim 2. Marushita does not either, and thus cannot make up for the deficiencies of Barnes with respect to claim 4.

The fifth clause of claim 4 recites:

An existence decision portion that determines whether the customer is within the predetermined area in accordance with the current position and the plurality of pieces of condition information.

Barnes neither teaches, discloses, nor suggests determining "whether the customer is within the predetermined area in accordance with the current position and the plurality of pieces of condition information," as discussed above with respect to the rejection of claim 2. Marushita does not either, and thus cannot make up for the deficiencies of Barnes with respect to claim 4.

The sixth clause of claim 4 recites:

A reservation acceptance processing portion that accepts a reservation of the service when the existence decision portion determines that the customer is within the service area, and asks the customer whether the customer requires a temporary reservation if not the reservation is not accepted because the existence decision portion determines that the customer is outside the service area.

Barnes neither teaches, discloses, nor suggests accepting "a reservation of the service when the existence decision portion determines that the customer is within the service area," as discussed above with respect to the rejection of claim 2. Marushita does not either, and thus cannot make up for the deficiencies of Barnes with respect to claim 4.

The ninth clause of claim 4 recites:

The plurality of pieces of condition information is individually changed in accordance with the service availability information based on the plurality of pieces of change information.

Barnes neither teaches, discloses, nor suggests "the plurality of pieces of condition information is individually changed in accordance with the service availability information based on the plurality of pieces of change information," as discussed above with respect to the rejection of claim 2. Marushita does not either, and thus cannot make up for the deficiencies of Barnes with respect to claim 4. Claim 4 is thus submitted to be allowable. Withdrawal of the rejection of claim 4 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 2-6 and 10 are allowable over the cited references. Allowance of all claims 2-6 and 10 and of this entire

Application Serial No. 10/763,181
Submission with RCE filed August 20, 2010
Response to Notice of Panel Decision mailed June 22, 2010

application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is invited to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge them to our Deposit Account No. 19-3935.

Respectfully submitted,

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